

JUN 24 2009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Luiz Roberto Martins Miranda et al.

Group Art Unit: 1626

Application No. 10/525,366

Examiner: K. Saeed

Filed: February 23, 2005

For: NIOBIUM-BASED COMPOSITIONS AND COATINGS,
NIOBIUM OXIDES AND THEIR ALLOYS APPLIED BY THERMAL
SPRAYING AND THEIR USE AS AN ANTICORROSIVE

Attorney Docket No. 10008.006

I hereby certify that this correspondence is being facsimile transmitted or deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

June 24, 2009
Date of Deposit

Christopher J. Fildes
Registered Attorney


Signature

PETITION UNDER 37 CFR 1.181(a) REQUESTING WITHDRAWAL OF THE HOLDING
OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant in the referenced application respectfully requests withdrawal of the holding of abandonment dated July 9, 2008.

The Notice of Abandonment states that the application is abandoned in view of applicant's failure to timely file a proper reply to the Office letter mailed January 2, 2008.

Applicant presents the following statements and evidence in support of the Petition Requesting Withdrawal of the Holding of Abandonment.

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I, Christopher J. Fildes, the undersigned attorney practitioner for applicant in the above referenced application, knowing that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting patent, state that:

- 1) I did not receive the Notice of Abandonment that was mailed July 9, 2008;
- 2) I just recently became aware of the holding of abandonment of Application No. 10/525,366;
- 3) I have attached a copy of the Amendment And Request For Reconsideration mailed July 2, 2008, which includes a Certificate of Mailing under 37 CFR 1.8 evidencing a mailing date of July 2, 2008 (attached as "Exhibit A");
- 4)) I have attached a copy of the Petition For Extension Of Time mailed July 2, 2008, which includes a Certificate of Mailing under 37 CFR 1.8 evidencing a mailing date of July 2, 2008 (attached as "Exhibit B");
- 5) I have attached a copy of the PTO-2038 (with Account # redacted for security purposes) that was attached to the Petition For Extension Of Time evidencing payment of the fee under 37 CFR 1.17(a)(3) for a three-month extension of time (attached as "Exhibit C");
- 6) I deposited the Amendment And Request For Reconsideration, Petition For Extension Of Time, and PTO-2038 with the United States Postal Service on July 2, 2008; and
- 6) I have attached a copy of the of the postcard receipt evidencing that the United States Patent and Trademark Office received the Amendment And Request For Reconsideration, Petition For Extension Of Time, and PTO-2038 on July 7, 2008 (attached as "Exhibit D").